

REMARKS

The claims are 1-15. Claim 1 has been amended to define a preferred embodiment of the present invention. Consideration of the presently amended claims is respectfully requested.

The Examiner has continued to take issue with the phrase “normal pressure”. While Applicants believe the meaning remains clear, solely to expedite prosecution, Applicants have deleted the phrase from the claims and added language that indicates that the irradiation takes place without reducing the pressure in the microwave chamber. Clear support is found for this limitation at paragraphs 44 to 46. In particular, paragraph 46 makes clear that one alternative compared to irradiation at “normal pressure” was to extract at reduced pressure.

Claims 1-5, 10, 12, 14, 16 and 17 remain rejected under 35 U.S.C. 102(b) as allegedly being anticipated by CA2161127. As previously noted, this reference corresponds to EP 0698076 which is discussed in paragraphs 3 and 4 of the present application. In particular, it is noted at page 5 of CA2161127 that during microwave irradiation of the biological material that the pressure of the microwave enclosure is reduced. This is a significant drawback because the apparatus needed to conduct the process of CA2161127 is comparatively more costly because of the pressure reduction requirement.

The Examiner asserts that the “normal pressure of Mengal et al. is taken as the pressure, under vacuum and the ambient pressure as this is the ‘normal pressure’ of Mengal et al...”. It is respectfully submitted that Mengal does not disclose irradiation without reducing the pressure. Accordingly, it becomes clear that the disclosure of Mengal does not anticipate the claims or render them obvious.

It is again respectfully submitted that CA2161127 does not render obvious the presently claimed method. There is simply no suggestion to perform the microwave irradiation without reducing the pressure, i.e., irradiation at atmospheric pressure.

Claim 6 remains rejected as allegedly obvious under 35 U.S.C. 103 over CA2161127 in view of Chen. Claims 7-9 and 13 remain rejected as allegedly obvious over CA2161127 in view of U.S. Patent No. 3,578,567 (Malvin). It is respectfully submitted that neither Chen or Malvin remedy the deficiencies of CA2161127.

Chen is directed to microwave assisted extraction to assist in solid phase microextraction analysis of fruits and vegetables for pesticides. It appears that the samples were preferably placed in a 10% ethylene glycol solution prior to microwave extraction. The pesticides were then collected on polydimethylsiloxane coated fibers for gas chromatographic analysis.

The Examiner asserts that Chen is being relied upon for its teaching of an obliquely arranged, rotatable receiving container. However, Chen is directed to collecting pesticides, not natural substances. In addition Chen uses a solvent, i.e., it is not a solventless system. Thus a combination of Chen with Mengal would neither be suggested or lead to the claimed solventless extraction method for natural substances.

As previously noted, Malvin is directed to a method of separating individual solvent components from a solvent mixture. The Examiner asserts that Malvin is being used for its disclosure of collecting volatile substances using a partition. However, it is not seen why it would have been suggested to use the partition of Malvin, which is clearly used with a solvent mixture, in a solventless system. Thus, there is no suggestion, either alone or combined with CA2161127, of the presently claimed invention.

Claims 11 and 15 were rejected as allegedly obvious solely over CA2161127.

However, as discussed above, it is respectfully submitted that CA2161127 would not have suggested irradiating the biological material while not reducing the pressure in the microwave chamber.

Wherefore, it is respectfully submitted that the cited art, whether taken alone or together, does not suggest or disclose the presently claimed invention. Accordingly, it is respectfully requested that the claims be allowed and the case passed to issue.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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